



non-jury trial calendar, as neither party has made a jury demand and Plaintiff has waived her right to a jury trial by failing to file a timely demand.

The Court agrees that this case should be moved to the non-jury calendar as no written jury demand was served no later than ten days after the last pleading directed to the issue was served. Fed. R. Civ. P. 38(b). The Court will not, however, continue this case for three months as requested by Defendant. This matter will come before the Court for a non-jury trial on September 9, 2009. A separate order regarding the pretrial conference and other matters will be issued in the near future.

As for Defendant's request for a mediation order, this case was previously ordered to mediation on February 13, 2007. The Court will not order a second mediation or settlement conference session. The parties are certainly welcome to engage in independent settlement negotiations if so desired.

Defendant's Emergency Motion to Extend Trial Date and Assign Case to Magistrate Judge for Settlement Conference (Doc. 76) is **DENIED**. Defendant's Motion to Transfer Action to Non-Jury Trial Calendar (Doc. 77) is **GRANTED**. This case will be removed from the August 3, 2009 pretrial conference calendar and the August 10, 2009 trial calendar, and will be set for trial on September 9, 2009.

**SO ORDERED**, this the 28<sup>th</sup> day of July, 2009.

s/ *Hugh Lawson*  
**HUGH LAWSON, SENIOR JUDGE**

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